

PROTOCOL

defining, for the period 2 October 1992 to 1 October 1994, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979,

HAVE AGREED AS FOLLOWS:

Article 1

From 2 October 1992, for a period of two years, the limits referred to in the second subparagraph of Article 4 of the Agreement shall be as follows:

1. wet-fish trawlers (inshore demersal fishing for fish and cephalopods) landing and selling their entire catch in Senegal: 1 000 GRT/year;
2. trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: 2 500 GRT/year, including 1 250 GRT/year with freezing facilities;
3. ocean-going trawlers (deep-water demersal species) not landing their catch in Senegal and fishing for a period of four months: 12 000 GRT/year in an average year, including 6 000 GRT/year with freezing facilities;
4. freezer trawler (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: 6 500 GRT/year;
5. freezer trawlers (inshore demersal fishing for fish and cephalopods) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months: 1 000 GRT/year in an average year;
6. ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: 6 100 GRT/year;
7. bottom longliners (experimental): 1 500 GRT/year;

8. tuna canners: 11 vessels;

9. freezer tuna seiners: 57 vessels;

10. surface longliners: 11 vessels.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement is hereby fixed, for the period referred to in Article 1, at ECU 31 200 000 payable in two equal annual instalments.

2. The compensation shall be paid into the account of Senegal's Treasurer General.

Article 3

The fishing opportunities provided for in Article 1 may be increased, at the request of the Community, by successive annual instalments of 1 000 GRT/year. In such case the financial compensation provided for in Article 2 shall be increased proportionately *pro rata temporis*.

Article 4

In addition, during the period referred to in Article 1, the Community shall contribute the sum of ECU 600 000 to the financing of Senegal's scientific programmes intended to improve knowledge of fish stocks in Senegal's exclusive economic zone. This sum shall be made available to the Centre de Recherches Océanographiques de Dakar-Thiaroye (Crodt). The competent authorities in Senegal shall send the Commission summary reports on the programmes carried out.

Article 5

The two Parties agree that an essential factor for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community will make it easier for nationals of Senegal to find places in establishments in its Member States and shall provide for that purpose study

and practical training awards in various scientific, technical and economic disciplines connected with fisheries. These awards may be used also in any other State linked to the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 200 000. This amount shall be payable as and when it is used.

Article 6

Failure by the Community to make the payments provided for in Articles 2 and 4 of this Protocol may result in the suspension of the Fisheries Agreement.

Article 7

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979, is hereby repealed and replaced by the one which appears in the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date of its signing.

It shall apply with effect from 2 October 1992.

ANNEX

'ANNEX I'

CONDITIONS GOVERNING FISHING ACTIVITIES IN SENEGAL'S FISHING ZONE BY VESSELS
FLYING THE FLAG OF A MEMBER STATE OF THE COMMUNITY

A. Application for and issue of licences

- 1.1. The relevant Community authorities shall present to the Senegalese Ministry responsible for sea fisheries an application in respect of each vessel wishing to fish under the Agreement.

The application, accompanied by a tonnage certificate, shall be made on the forms provided for that purpose by the Government of Senegal, a specimen of which is at Appendix 1.

- 1.2. The technical services of the Ministry responsible for sea fisheries shall establish the fee payable by the shipowner for the licence and inform the delegation of the Commission of the European Communities in Dakar.

Fees shall include all national and local charges with the exception of port charges and the costs of services.

After payment of the fee, the licence shall be signed and forwarded to the delegation of the Commission of the European Communities in Dakar.

If within two weeks of notification of the amount due the fee has not been paid, the Community may make fresh licence application for the tonnage concerned.

- 1.3. Licences shall be valid from the date of issue until 31 December of the year in which they are issued or until the expiry of the Protocol in its last year of application.

Trawlers fishing demersal species may, within the limits laid down in points 3 and 5 of Article 1 of the Protocol, obtain special licences valid for four months.

- 1.4. The fees and advances shall be for one year, except those for the licences referred to in point 1.3. However, in the first and last years of application of the Protocol, the fees and advances shall be in proportion to the period of validity of the Agreement. The fees shall be set as follows:

A. Fees for trawlers

1. Wet-fish trawlers (inshore demersal fishing for fish and cephalopods) landing and selling their entire catch in Senegal: CFAF 20 000 per GRT/year.
2. Trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: CFAF 50 000 per GRT/year.
3. Ocean-going trawlers (demersal) not landing their catch in Senegal and fishing for a period of four months: CFAF 12 500 per GRT/four months for wet fish trawlers and CFAF 15 000 per GRT/four months for freezer trawlers.
4. Freezer trawlers (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: CFAF 40 000 per GRT/year.
5. Freezer trawlers (inshore demersal fishing for fish and cephalopods) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months: CFAF 23 000 per GRT/four months.
6. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: CFAF 40 000 per GRT/year.
7. Bottom longliners: CFAF 40 000 per GRT/year.

B. Fees for tuna vessels and longliners

1. Tuna canners: CFAF 2/kilogram of fish caught in Senegal's fishing zone.
2. Freezer tuna seiners: CFAF 7/kilogram of fish caught in Senegal's fishing zone.
3. Surface longliners: CFAF 15/kilogram of fish caught in Senegal's fishing zone.

Licences for vessels referred to in 2 and 3 shall be issued following advance payment to the Receveur des Domaines for those fees of a lump sum of CFAF 350 000 for each tuna seiner and CFAF 750 000 for each surface longliner, which corresponds to 50 tonnes of tuna per vessel per year.

The final statement of the fees due for the fishing year shall be drawn up at the end of each calendar year by the Commission of the European Communities on the basis of catch statements made by the shipowners for each vessel and confirmed by the Centre de Recherches Océanographiques de Dakar-Thiaroye (Crodt). The statement shall be forwarded simultaneously to the Senegalese authorities and the shipowners. Each additional payment, if any, shall be made by the shipowners to the Receveur des Domaines not later than 30 days following the notification of the final statement.

However, where the sum due as set out in the final statement is less than the advance, the shipowner will not be reimbursed the difference.

B. Statements of catch

All vessels authorized to fish in Senegalese waters under the Agreement shall be required to forward to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the delegation of the Commission of the European Communities in Dakar, a statement of their catch made out according to Appendices 2, 3 and 4. These statements must be presented after each voyage in the case of wet trawlers. For freezer trawlers, monthly catch statements must be forwarded before the end of the month following the vessel's return.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until the formality has been completed and to apply the sanction provided for under Article 58 of Senegal's sea fisheries code. In this case, the delegation of the Commission of the European Communities at Dakar shall be informed.

C. Landing of catch

- (a) Freezer trawlers (inshore demersal fishing) in category 4 shall land, for local market prices, 130 kilograms of fish and shrimp per GRT every half year.

These landings may be made individually or collectively.

Any failure to comply with the requirements to land catches may incur the following sanctions:

- a fine of CFAF 300 000 for each tonne not landed,
- withdrawal without renewal of the licence of the vessel concerned or another vessel of the same shipowner.

In order to ensure payment of the fine, the issuing of a licence shall be subject to the lodging in Senegal of a banker's guarantee of CFAF 39 000 per GRT for every half-year.

The Senegalese authorities shall release this security as soon as a vessel has met its landing requirements in full.

- (b) In the case of tuna canners, the target set by the two Parties shall be to land not less than 3 500 tonnes of tuna a year in Senegalese ports at the international price applicable.

If, during the fishing year, total landings by the fleet concerned fall short of this minimum quantity as a result of an unforeseeable change in the state of fish stocks or the structure of the fleet, the two Parties shall enter into consultations without delay in order to establish the appropriate action to achieve the said quantity and ensure its implementation.

- (c) Freezer tuna seiners shall land 12 500 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese cannerys. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

- (d) Community shipowners shall endeavour to land a total of 24 000 tonnes.

D. Signing-on of seamen

1. Trawlers and longliners authorized to fish in Senegalese waters under the Agreement shall be required to take on 33 % of their crew from among Senegalese seamen. This percentage shall include the observer or seaman/observer referred to at point H.

If the vessel holds a valid fishing licence issued by another country in the subregion (Mauritania, Gambia, Guinea-Bissau or Guinea), it shall be required to take on board a number of Senegalese seamen equivalent to 33 % of the non-officer crew assigned to sail the vessel.

2. In the case of freezer tuna seiners, the overall requirement to take on board seamen shall be established on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries, the fisheries of which are frequented by that fleet.
3. Before licences are issued, the salary of these seamen/observers shall be determined by common agreement between the shipowners and their representatives and the Ministry responsible for sea fisheries. It shall be paid by the shipowners and shall include social security applicable to the seaman (e. g. life, accident and sickness insurance).

E. Special equipment and supplies and services

Wherever possible, Community vessels shall procure the supplies and services they require, including dry dock facilities and regular maintenance, in Senegal.

F. Fishing zones

1. Wet trawlers (inshore demersal fishing) of less than 300 GRT and inshore freezer trawlers (demersal species) of less than 250 GRT shall be authorized to fish:
- (a) from six nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Cape Manuel (14°36'00"N);
 - (b) from seven nautical miles off the baselines between the latitude of Cape Manuel (14°36'00"N) and the northern Senegal-Gambia border;
 - (c) from six nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
2. Wet trawlers (inshore demersal fishing) of more than 300 GRT, freezer trawlers (inshore demersal fishing) of more than 250 GRT and bottom longliners shall be authorized to fish beyond 12 nautical miles from the baselines of the waters under Senegal's jurisdiction.
3. Ocean-going trawlers for demersal species shall be authorized to fish:
- (a) from 12 nautical miles off the baselines between the Senegal-Mauritania border and latitude 15°00'N;
 - (b) from six nautical miles off the baselines between latitude 15°00'N and the latitude of Portudal (14°27'00"N);
 - (c) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00"N) and the northern Senegal-Gambia border;

- (d) from 35 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
- 4. Tuna cannery and freezer tuna seiners shall be authorized to fish for bait and tuna in all waters under Senegal's jurisdiction.
- 5. Surface longliners shall be authorized to drop their lines:
 - (a) from 15 nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Portudal (14°27'00"N);
 - (b) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00"N) and the northern Senegal-Gambia border;
 - (c) from 25 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

G. Radio communications

Any Community vessel intending to carry out fishing activities in Senegal's fishing zone shall notify the radio station of the *Projet de Protection et de Surveillance de Pêche au Sénégal (PSPS)* of each entry into or exit from the fishing zone. Shipowners will be informed of the call sign when the fishing licence is issued. Any vessel found fishing without having notified the PSPS of its presence shall be considered an unlicensed vessel.

H. Observers

1. (a) When fishing in Senegal's waters, all Community trawlers and longliners of more than 300 GRT shall accept on board an observer designated by Senegal. The captain shall facilitate the work of the observer, who shall enjoy all the facilities provided for the officers of the vessel concerned.
- (b) The Senegal authorities shall communicate to the Commission of the European Communities the names of the designated observers.
- (c) Subject to the restrictions imposed by the vessel, observers shall be provided with board and accommodation at the shipowner's expense. Their meals shall be served in the officers's messroom and they shall be accommodated in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.
2. (a) Trawlers and longliners of less than 300 GRT shall take on board a seaman designated by Senegal who shall act as seaman/observer.
- (b) In the case of freezer tuna seiners, one of the Senegalese seamen on board may be designated seaman/observer.
- (c) Captains shall facilitate the work of the seamen/observers that is additional to actual fishing operations. Seamen/observers shall receive the normal seaman's rate of pay from the shipowner.
3. Owners of trawlers or longliners shall make a flat-rate payment to the Senegalese government of CFAF 3 500 for seamen/observers and CFAF 8 000 for observers for each day spent on board.
4. In principle the observer shall be taken on board for a maximum period of 60 days. This period may be extended where the duration of a voyage by the vessel on which the observer is taken on board exceeds that period.

In such case, the observer shall leave the vessel on its return. A deposit equivalent to 60 days' activity at sea shall be lodged before the boarding of the observer or seaman/observer. Settlement is to be made after each voyage.
5. The taking on board and disembarkation of observers shall not interrupt or hinder fishing operations. Observers may therefore be taken on board and/or leave the vessel in a port elsewhere than in Senegal provided that their travel and other expenses are reimbursed by the shipowner.

The deposit equivalent to 60 days' activity at sea is to be considered an advance on the payment of the observer's allowance. The latter shall be paid after the observer has left the vessel. A final statement of advances made shall be drawn up at the end of the calendar year.

I. Minimum authorized mesh

The minimum authorized mesh sizes for industrial fishing gear are as follows (mesh opening):

- purse seines with live bait: 16 mm,
- standard otter trawls (fish or cephalopods): 65 mm,
- standard otter trawls (black hake): 60 mm,
- deep-sea shrimp trawls: 40 mm.

In the case of tuna, the international standards recommended by the International Commission for the Conservation of Atlantic Tuna (ICCAT) are to be applied.

J. Boarding

The delegation of the Commission of the European Communities in Dakar shall be notified within 48 hours of the arrival at the Marine National base of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement between Senegal and the European Community, and of the circumstances and reasons leading to such boarding.

Appendix 1

REPUBLIC OF SENEGAL

MINISTRY RESPONSIBLE FOR MARITIME FISHING

DIRECTORATE OF OCEANOGRAPHY
AND MARITIME FISHING

APPLICATION
FORM FOR A
FISHING LICENCE

For official use only	Remarks
Nationality:
Licence No:
Date of signing:
Date of issue:

APPLICANT

Name of firm:

Number and date of authorization of the company:

Trade register No (*):

First name and surname of applicant:

Date and place of birth:

Occupation:

Number of levy payer's account (*):

Address:

.....

No of employees (*): Permanent (*): Temporary (*):

Name and address of co-signatory:

.....

Annual turnover figure (*):

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction (*):

Original nationality:

Date of assumption of Senegalese flag (*):

Provisional Period granted Permanent

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials: Draught:

Make of main engine: Type: Ratings:

Propeller: Fixed ☐ Variable ☐ Ducted ☐

Transit speed:

Call sign: Call frequency:

LIST OF NAVIGATION, SOUNDING AND TRANSMISSION INSTRUMENTS

Radar ☐ Sonar ☐ VHF radio ☐Satellite navigation ☐ Netsonde ☐ HF, BLU radio ☐Automatic pilot ☐ Scanmar ☐ Telex ☐Route plotter ☐

Other:

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(*) Optional for foreign vessels.

CONSERVATION

Packed in ice ☐Ice + refrigeration ☐Freezing in brine ☐Dry ☐Refrigerated sea water ☐

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Inshore demersal

Shrimp ☐Fish and cephalopod ☐Type of fishing gear: Fish ☐Shrimps ☐Long line fishing ☐

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

B. Deep-sea demersal

Shrimp ☐Fish ☐Type of fishing gear: Shrimp ☐Fish ☐Long line fishing ☐

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

C. Inshore pelagic

Pelagic trawler ☐Seine ☐

1. Length of trawl: Headline:

Mesh size in the body:

2. Length of seine: Depth of seine:

Mesh dimension (drawn):

D. Deep sea pelagic (tuna)

Type of fishing gear: Seine ☐ Pole and line ☐ Long line ☐

1. Length of seine: Depth of seine:

Mesh dimension (drawn):

2. Number of poles and lines:

3. Long line

Length of lines: Number of hooks:

Number of lines: Size of hooks:

Number of pots: Capacity in tonnes:

E. Longlines and pots

Number of pots: Material:

Length (base diameter): Width (upper diameter):

Diameter of openings: Method of cover:

Mesh (cover):

SHORE INSTALLATIONS (*)

Address and permit No:

Name of firm:

Activities:

Domestic wholesale fish trade ☐ Export ☐

Type and No of wholesale trader's card:

Description of processing and conservation plant:

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No of employees: Senegalese: Foreigners:

Permanent: Temporary:

(*) Optional for foreign vessels.

Technical remarks of the Director of Fisheries

Authorization of the State Secretariat for Animal Resources

STATEMENT OF CATCH MADE BY VESSELS USING LONG LINES AND POTS

SPACING OF CATCH EQUIPMENT
(Hooks or pots):

TYPE OF FISHING (long lines or pots):

[illegible]

Appendix 3

STATEMENT OF CATCH BY BOTTOM TRAWLERS

Voyage from: to:

NAME OF VESSEL:

TYPE: Wet or freezer

NATIONALITY:

Species	Dates						
Fishing zone (1)							
Souder							
Time of fishing							
Total weight of catch							
Total weight thrown back							

(1) Dakar North, Petite-Côte or Casamance.

Appendix 4

STATEMENT OF CATCH BY TUNA VESSELS

Voyage from: to:

NAME OF VESSEL:

TYPE: Pole and line or seine

NATIONALITY:

Catch from Senegal's economic zone

(in tonnes)

Species	Tonnage landed	Tonnage not landed	Thrown back	Total
Albacore				
Skipjack				
Bigeye				
Thunnidae + Bonito				
Other species				
Total				